

HOUSE BILL 596

C5
HB 1340/10 – ECM

11r0310

By: **Delegate Davis**

Introduced and read first time: February 9, 2011

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Electric Companies and Gas Companies – Customer Account Information**

3 FOR the purpose of requiring an electric company, a gas company, or an electric and
4 gas company, on a certain request by a certain competitive supplier of electricity
5 or gas, to provide certain information related to certain customer accounts to
6 the supplier, subject to certain restrictions; requiring the distribution utility to
7 provide the information in a certain form and to update it periodically;
8 prohibiting a distribution utility from providing certain information without the
9 prior authorization of a certain customer; providing the method by which a
10 distribution utility must obtain the customer's authorization, including
11 requiring certain notice to be provided containing certain information; requiring
12 the notice to be provided to certain customers at certain times; establishing
13 when a customer is deemed to have given certain authorization; authorizing a
14 customer to withdraw authorization in a certain manner; requiring a
15 distribution utility to ensure that certain information is not shared under
16 certain circumstances; requiring a distribution utility to notify a certain
17 competitive supplier that a certain customer has withdrawn certain
18 authorization; requiring a competitive supplier to redact certain information
19 from its records under certain circumstances and refrain from contacting a
20 certain customer in a certain manner under certain circumstances; requiring
21 the Public Service Commission to allow a distribution utility to recover certain
22 costs directly from a competitive supplier; providing that a competitive supplier
23 may use certain information only for a certain purpose; prohibiting a
24 competitive supplier from selling or providing certain information to any other
25 person, with a certain exception; authorizing a competitive supplier to provide
26 certain information to an authorized agent for a certain purpose; providing that
27 the authorized agent is subject to the same restrictions on the use, sale, or
28 provision of the information as the competitive supplier; requiring a certain
29 competitive supplier to include certain information in certain marketing
30 materials sent to certain customers; providing for the application of this Act to
31 certain gas suppliers under certain provisions of law; providing that this Act

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 does not apply to an electric cooperative or a gas cooperative; defining certain
2 terms; and generally relating to electricity, gas supply, and customer account
3 information.

4 BY adding to
5 Article – Public Utilities
6 Section 7–510.1 and 7–604(c)
7 Annotated Code of Maryland
8 (2010 Replacement Volume)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article – Public Utilities**

12 **7–510.1.**

13 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
14 **MEANINGS INDICATED.**

15 **(2) “COMPETITIVE SUPPLIER” MEANS:**

16 **(I) AN ELECTRICITY SUPPLIER LICENSED UNDER THIS**
17 **SUBTITLE; OR**

18 **(II) A GAS SUPPLIER LICENSED UNDER SUBTITLE 6 OF THIS**
19 **TITLE.**

20 **(3) “DISTRIBUTION UTILITY” MEANS AN ELECTRIC COMPANY, A**
21 **GAS COMPANY, OR AN ELECTRIC AND GAS COMPANY.**

22 **(B) THIS SECTION DOES NOT APPLY TO AN ELECTRIC COOPERATIVE OR**
23 **A GAS COOPERATIVE.**

24 **(C) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, ON THE**
25 **WRITTEN REQUEST OF A COMPETITIVE SUPPLIER LICENSED BY THE STATE, A**
26 **DISTRIBUTION UTILITY SHALL PROVIDE THE COMPETITIVE SUPPLIER WITH THE**
27 **FOLLOWING CUSTOMER ACCOUNT INFORMATION FOR EACH RESIDENTIAL**
28 **CUSTOMER AND SMALL COMMERCIAL CUSTOMER LOCATED IN THE SERVICE**
29 **TERRITORY OF THE DISTRIBUTION UTILITY:**

30 **(I) THE ACCOUNT NAME;**

31 **(II) THE BILLING ADDRESS;**

32 **(III) THE SERVICE ADDRESS;**

- 1 **(IV) THE UTILITY RATE CLASS;**
- 2 **(V) THE STANDARD OFFER SERVICE TYPE, IF ANY;**
- 3 **(VI) THE LOAD PROFILE;**
- 4 **(VII) THE POWER USAGE FOR THE PRECEDING 12-MONTH**
5 **PERIOD FOR EACH TYPE OF POWER; AND**
- 6 **(VIII) WHETHER THE TYPE OF POWER SUPPLIED TO THE**
7 **CUSTOMER IS:**
- 8 1. **GAS;**
- 9 2. **ELECTRICITY; OR**
- 10 3. **GAS AND ELECTRICITY.**

11 **(2) A DISTRIBUTION UTILITY SHALL PROVIDE THE INFORMATION**
12 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN ELECTRONIC FORM**
13 **AND UPDATE THE INFORMATION AT LEAST FOUR TIMES EACH YEAR.**

14 **(D) (1) A DISTRIBUTION UTILITY MAY NOT PROVIDE CUSTOMER**
15 **ACCOUNT INFORMATION UNDER SUBSECTION (C) OF THIS SECTION WITHOUT**
16 **THE PRIOR AUTHORIZATION OF THE CUSTOMER NAMED ON THE ACCOUNT.**

17 **(2) (I) TO OBTAIN THE AUTHORIZATION OF A CUSTOMER, A**
18 **DISTRIBUTION UTILITY SHALL SEND THE CUSTOMER NAMED ON THE ACCOUNT**
19 **WRITTEN NOTICE OF:**

20 1. **THE TYPE OF ACCOUNT INFORMATION THAT**
21 **WOULD BE PROVIDED TO A COMPETITIVE SUPPLIER;**

22 2. **THE RIGHT OF THE CUSTOMER TO:**

23 A. **REFUSE TO AUTHORIZE THE DISTRIBUTION**
24 **UTILITY TO SHARE INFORMATION REGARDING THE CUSTOMER'S ACCOUNT; OR**

25 B. **WITHDRAW AN EARLIER AUTHORIZATION; AND**

26 3. **THE MANNER IN WHICH THE CUSTOMER IS**
27 **REQUIRED TO INDICATE A REFUSAL OF AUTHORIZATION OR A WITHDRAWAL OF**
28 **A PREVIOUS AUTHORIZATION.**

1 **(II) THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF**
2 **THIS PARAGRAPH SHALL BE PROVIDED:**

3 **1. AS PART OF THE WRITTEN MATERIALS SUPPLIED**
4 **TO NEW CUSTOMERS WHEN THE CUSTOMER APPLIES FOR SERVICE; AND**

5 **2. AS A BILL INSERT TO EXISTING CUSTOMERS PRIOR**
6 **TO THE FIRST TIME THAT THE DISTRIBUTION UTILITY PROVIDES INFORMATION**
7 **UNDER THIS SECTION.**

8 **(3) (I) A CUSTOMER IS DEEMED TO HAVE AUTHORIZED A**
9 **DISTRIBUTION UTILITY TO PROVIDE INFORMATION ABOUT THE CUSTOMER'S**
10 **ACCOUNT UNDER THIS SECTION IF, WITHIN 45 DAYS AFTER NOTICE IS GIVEN**
11 **UNDER THIS SUBSECTION, THE CUSTOMER DOES NOT INFORM THE**
12 **DISTRIBUTION UTILITY OF THE CUSTOMER'S REFUSAL IN THE MANNER**
13 **PRESCRIBED BY THE NOTICE.**

14 **(II) 1. A CUSTOMER MAY WITHDRAW AUTHORIZATION AT**
15 **ANY TIME BY NOTIFYING THE DISTRIBUTION UTILITY IN THE MANNER**
16 **PRESCRIBED BY THE NOTICE.**

17 **2. IF A CUSTOMER WITHDRAWS AUTHORIZATION,**
18 **THE DISTRIBUTION UTILITY SHALL:**

19 **A. ENSURE THAT THE CUSTOMER'S ACCOUNT**
20 **INFORMATION IS NOT PROVIDED IN THE NEXT UPDATE; AND**

21 **B. NOTIFY THE COMPETITIVE SUPPLIER THAT THE**
22 **CUSTOMER HAS WITHDRAWN AUTHORIZATION.**

23 **3. ON RECEIVING NOTICE FROM A DISTRIBUTION**
24 **UTILITY THAT A CUSTOMER HAS WITHDRAWN AUTHORIZATION UNDER THIS**
25 **PARAGRAPH, THE COMPETITIVE SUPPLIER SHALL:**

26 **A. REDACT THE CUSTOMER'S INFORMATION FROM**
27 **ITS RECORDS; AND**

28 **B. REFRAIN FROM CONTACTING THE CUSTOMER**
29 **DIRECTLY BY MAIL OR TELEPHONE TO MARKET SERVICES TO THE CUSTOMER.**

30 **(4) A DISTRIBUTION UTILITY MAY NOT INCLUDE IN THE**
31 **INFORMATION PROVIDED UNDER SUBSECTION (C) OF THIS SECTION CUSTOMER**
32 **ACCOUNT INFORMATION OF A COMMERCIAL CUSTOMER THAT IS RECEIVING**
33 **ELECTRICITY SUPPLY OR GAS SUPPLY FROM A COMPETITIVE SUPPLIER.**

1 **(E) THE COMMISSION SHALL ALLOW THE DISTRIBUTION UTILITY TO**
2 **RECOVER THE PRUDENTLY INCURRED COSTS, AS THE COMMISSION**
3 **DETERMINES, OF PROVIDING THE INFORMATION UNDER SUBSECTION (C) OF**
4 **THIS SECTION DIRECTLY FROM THE COMPETITIVE SUPPLIER THAT REQUESTED**
5 **THE INFORMATION.**

6 **(F) (1) A COMPETITIVE SUPPLIER MAY USE THE INFORMATION**
7 **OBTAINED UNDER THIS SECTION ONLY TO MARKET SERVICES RELATED TO**
8 **ELECTRICITY AND GAS SUPPLY.**

9 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
10 **PARAGRAPH, A COMPETITIVE SUPPLIER MAY NOT SELL OR PROVIDE ANY**
11 **INFORMATION OBTAINED UNDER THIS SECTION TO ANY OTHER PERSON,**
12 **INCLUDING AN AFFILIATE OF THE COMPETITIVE SUPPLIER.**

13 **(II) A COMPETITIVE SUPPLIER MAY PROVIDE INFORMATION**
14 **OBTAINED UNDER THIS SECTION TO AN AUTHORIZED AGENT TO DEVELOP OR**
15 **IMPLEMENT A MARKETING CAMPAIGN IN ACCORDANCE WITH PARAGRAPH (1)**
16 **OF THIS SUBSECTION.**

17 **(III) AN AUTHORIZED AGENT OF A COMPETITIVE SUPPLIER**
18 **THAT HAS OBTAINED INFORMATION UNDER SUBPARAGRAPH (II) OF THIS**
19 **PARAGRAPH IS SUBJECT TO THE SAME RESTRICTIONS ON THE USE, SALE, OR**
20 **PROVISION OF THE INFORMATION TO WHICH THE COMPETITIVE SUPPLIER IS**
21 **SUBJECT UNDER THIS SUBSECTION.**

22 **(G) A COMPETITIVE SUPPLIER SHALL INCLUDE IN ANY MARKETING**
23 **MATERIALS SENT TO A RESIDENTIAL CUSTOMER OR SMALL COMMERCIAL**
24 **CUSTOMER INFORMATION ON HOW A CUSTOMER MAY CONTACT THE**
25 **CUSTOMER'S DISTRIBUTION UTILITY TO WITHDRAW AUTHORIZATION FOR THE**
26 **DISTRIBUTION UTILITY TO PROVIDE TO COMPETITIVE SUPPLIERS INFORMATION**
27 **ABOUT THE CUSTOMER'S ACCOUNT.**

28 7-604.

29 **(C) SECTION 7-510.1 OF THIS TITLE GOVERNS THE PROVISION TO A GAS**
30 **SUPPLIER BY A DISTRIBUTION UTILITY OF INFORMATION ABOUT RESIDENTIAL**
31 **CUSTOMERS AND SMALL COMMERCIAL CUSTOMERS.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 2011.